REMARKS

Claims 1, 2, 4, and 7-10 are currently pending, claims 3, 5-6 and 11-24 have been cancelled. Applicants reserve the right to pursue original and other claims in this and in other applications.

Claims 7-10 stand objected to because of formalities. The Office Action states that "[c]laims 7-9 are included in claims 5-9 already cancelled and claim 10 depends from claim 7. This objection is respectfully traversed.

Claims 7-10 are currently pending. Applicants submit that there existed a stenographer error in the preliminary amendment filed October 29, 2003. In the preliminary amendment, Applicants mistakenly indicated that "Claims 5-9 (canceled)" when in fact the amendment should have indicated that "Claims 5-6 (canceled)." This is supported by the inclusion in the preliminary amendment of claims 7-10 having the label "Original." As such, Applicants respectfully request that the objection of claims 7-10 be withdrawn and the claims examined.

Claims 1-4 stand rejected under 35 U.S.C. 101 as the invention is allegedly directed towards non-statutory subject matter. The Office Action states that the

> claims do not required any physical transformation and the invention does not produce a useful, concrete, and tangible result. As it appears, the claim is doing nothing more than a method of data processing comprising acquiring time, synchronizing time, and processing data without any physical embodiments involved.

(Office Action, p. 2)

Applicants respectfully traverse this rejection.

Claim 1 is directed to a "method of data processing between a plurality of computer game devices connected through a communication network."

Applicant initially notes that lack of physical transformation is not enough to make the claimed subject matter non-statutory. The Examiner has the obligation to continue his examination further. See U.S.P.T.O. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. ("Guidelines") (IV)(C)(2)(a).

Applicants also note that the claimed invention produces a "useful, concrete, and tangible result." In order to be useful, an invention must be "(i) specific, (ii) substantial and (iii) credible." Guidelines, (IV)(C)(2)(b)(1). The claimed invention has specified the method, it is substantial, and the results are credible. In order to have a tangible result, an invention must "set forth a practical application ...to produce a real world result." Guidelines, (IV)(C)(2)(b)(2). The claimed invention of claim 1 is directed towards coordinating different networked devices. Furthermore, an invention is tangible 'if it is the opposite of abstract.' Guidelines, (IV)(C)(2)(b)(2). The claimed invention is not abstract and sets out the metes and bounds of the invention.

In order to have a concrete result, an invention must have a process that "have a result that is substantially repeatable or the ...produce the same result again." Guidelines, (IV)(C)(2)(b)(3). The claimed invention of claim 1 is directed towards coordinating different networked devices, given the same inputs, e.g., measured delay times, the method will repeatedly result in the substantially same synchronization occurring. As such, the claimed invention produces a "useful, concrete, and tangible result."

As such, the claimed invention satisfies 35 U.S.C. 101 and directed towards statutory subject matter. See *Arrhythmia Research Technology, Inc., v. Corazonix Corporation*, 958 F.2d 1053 (Fed. Cir. 1992). Thus the rejection of claim 1 and its dependant claims should be withdrawn and the claims allowed.

Claims 1 and 3 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action states that:

> Re claim 1: the limitations "the delay time" and "said plurality of devices" in line 4, the limitation "said plurality of devices" in line 6, and the limitation "each device" in line 7 all have insufficient antecedent basis for the limitations. The limitation "the time" in line 6 of the claim is unclear and ambiguous as to what time is been [sic.] referred to in the claim. The limitation "each device" in line 7 of the claim is unclear and ambiguous as to what device is been [sic.] referred to in the claim. The limitation "the delay time' in line 4 and the limitation "said measured delay times" in line 5 of the claim are unclear and ambiguous as to how a singular "delay time in line 4 can between "plurality of respective devices," and how this singular dealy time" becomes a plurality of "measured delay times" in line 5.
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> Re claim 3: the limitations "the count value" in lines 3-4. There is insufficient antecedent basis for these limitations in this claim.

(Office Action, p. 3)

Claim 1 has been amended to overcome the perceived indefiniteness. As such, the rejection of claim 1 should respectfully be withdrawn and the claim allowed.

Claim 3 has been cancelled.

Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by O'Callaghan (U.S. Pat. No. 5,820,463)("O'Callaghan"). This rejected is respectfully traversed.

Claim 1 recites, a method of data processing between a plurality of computer game devices connected through a communication network, comprising the steps of "measuring delay times between a plurality of game devices by measuring for each game devices a time between when a test message is transmitted to and received back from another game device; determining a longest delay time of said measured delay times; synchronizing delay times counted by each game device; and during a progress of a computer game, processing at each game device a first game data received from another game device on a lapse of the longest delay time of said measured delay times from a time of transmission of the first game data from the another game device, and processing a second game data transmitted from each game device itself on the lapse of the longest delay time of said measured delay times from a time of transmission of the second game data from

each game device itself, wherein said synchronizing step includes the steps of starting counting a time at each game device after a first time period is passed from a transmission of reset signal transmitted from one game device to the other game devices, transmitting from said one game device to the other games devices a count value, and stopping counting temporarily at each game device so that a difference of each game device's own count values and the received count value from the one device becomes a delay time with respect to the one device."

O'Callaghan discloses "Multiple player games implemented by computer are improved to permit playing without any delay penalty for stations remote from another station. Delay times are compensated using measurement of round trip delay times to each station and the stations participating in the game determine the proper master station based on shared information." (O'Callaghan abstract)

O'Callaghan fails to discloses or suggest "stopping counting temporarily at each game device so that a difference of each game device's own count values and the received count value from the one device becomes a delay time with respect to the one device." To the contrary, O'Callaghan simply discloses starting and stopping a timer. As such, the claimed invention is different from O'Callaghan. Thus, the rejection of claim 1, and its dependant claim 2, over O'Callaghan should be withdrawn and the claims allowed.

Claim 4 stands rejected under 35 U.S.C. 102(b) as being anticipated by O'Callaghan in view of James (U.S. Pat. No. 5,964,660)("James"). This rejected is respectfully traversed.

Claim 4 depends from claim 1 and is allowable over O'Callaghan for at least the reasons noted above.

James discloses "a computer game that is played over a computer network and is capable of accommodating a large number of players. When the game is play on the Internet, players are able to input moves and be apprised of the state of the game using the basic input/output functions of their Web browser. Consequently, the game can be played with substantially no other game related software, plug-ins or add-ons." James also discloses "a game data base so as to compensate

for the lack of game resources that a newer player has relative to older players that are likely to possess significantly greater game resources. Further, the virtual space of the game is highly expandable and updatable." James additionally discloses a game "that couples game playing and advertising via a game currency that an advertiser can provide to a player and which can be used by the player in playing the game. " (James abstract)

James fails to overcome the deficiencies of O'Callaghan, as James fails to disclose "stopping counting temporarily at each game device so that a difference of each game device's own count values and the received count value from the one device becomes a delay time with respect to the one device." As such, the rejection of claim 4 should be withdrawn and the claim allowed.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: April 3, 2007

Respectfully submitted,

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